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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,256	TURBA ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Amendment filed on April 25, 2005 has been received and entered. Claims 1-25 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-25 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-20 of copending application Serial No. 10/027,066 and that of claims 1-25 of copending application Serial No. 10/028,253. This is a *provisional* double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-25 are rejected under 35 U.S.C. 102 (e) as being anticipated over Chau et al. (U. S. Patent No. 6,721,727).

As to claim 1, Chau et al. discloses an a data processing system including a legacy data base management system having a command language coupled to a publically accessible digital data communication network, the improvement comprising:

a. a user terminal coupled to said legacy data base management system via said publically accessible digital data communication network (i.e. the XML system supports legacy flat files)(col. 8, lines 15-21) and (col. 44, lines 40-45);

b. an input definition facility responsively coupled to said legacy data base management system which defines the input coming into an XML service and loads a sample XML document

for said XML service to said legacy data base management system for honoring (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the Xpath data model)(col. 3, lines 15-21) (also an XML column is used to store entire XML documents in the native XML format.) (col. 7, lines 66-67).

As to claims 2, 8, 13, and 19, Chau et al. discloses wherein said XML service further comprises a plurality of variables (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claims 3, 14, and 20, Chau et al. discloses wherein said XML service further comprises a plurality of tables (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claims 4, and 15, Chau et al. discloses wherein said XML service further comprises executable script (col. 4, lines 25-31 and Fig. 4, item 404) (Abstract) (col. 8, lines 15-46) (col. 44, lines 40-44).

As to claims 5, and 10, Chau et al. discloses wherein said publically accessible digital data communication network further comprises the Internet (i.e. Internet or intranet)(col. 5, lines 50-52).

As to claim 6, Chau et al. discloses an apparatus comprising:

a. a publically accessible digital data communication network (i.e. Internet or intranet)(col. 5, lines 50-52);

b. a data base management system having an internal format different from XML i.e. an XML column is used to store entire XML documents in the native XML format.)(col. 7, lines 66-67) responsively coupled to said publically accessible digital data communication network request (i.e. Internet or intranet)(col. 5, lines 50-52);

c. a facility which generates an input service (Fig. 10, seep 1006); and

d. a converter which translates said input service into said internal format and presents said translated input service to said data base management system (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the Xpath data model)(col. 3, lines 15-21).

As to claims 7, and 18, Chau et al. discloses wherein said input service further comprises an XML input service (col. 7, lines 66-67) and (col. 8, lines 1-5).

As to claims 9, and 25, Chau et al. discloses wherein said facility further comprises a plurality of sample XML messages (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claim11, Chau et al. discloses a method of supplying an input service to a legacy data base management system having an internal format comprising:

a. retrieving a sample document from a repository of said legacy data base management system (i.e. the XML system supports legacy flat files)(col. 8, lines 15-21) and (col. 44, lines 40-45);

b. editing said document into a desired input service request (col. 6, lines 1-55) (col. 7, lines 66-67) and (col. 8, lines 1-5);

c. converting said desired input service into said internal format (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21); and

presenting said converted desired input service to said legacy data base management system for honoring (col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 12, Chau et al. discloses wherein said sample document further comprises an XML document (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claim 16, Chau et al. discloses an apparatus comprising:

a. means for storing a sample input service (i.e. an XML column is used to store entire XML documents in the native XML format.)(col. 7, lines 66-67);

b. means responsively coupled to said storing means for retrieving said sample input service (col. 4, lines 25-31 and Fig. 4, item 404) and (col. 16, lines 4554 and Fig. 2, items 200, 202, 206 and 210 and Fig. 10, item 10);

c. means responsively coupled to said retrieving means for editing said sample input service into a desired input service (col. 7, lines 66-67) and (col. 8, lines 1-5);

d. means for providing legacy data processing management services (col. 75, lines 30-50) and (col. 4, lines 15-24 and Fig. 1); and

e. means responsively coupled to said editing means and said providing means for transferring said desired input from said editing means to said providing means (col. 75, lines 30-50) and (col. 4, lines 15-24 and Fig. 1).

As to claim 17, Chau et al. discloses wherein said storing means further comprises a repository (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claim 21, Chau et al. discloses an apparatus for communicating within a data processing environment comprising:

a. a user terminal which transfers an XML message and receives a corresponding data processing response(i.e. the XML system supports legacy flat files)(col. 8, lines 15-21) and (col. 44, lines 40-45);

b. a converter which converts said XML message into a data processing service request including an ordered sequence of native command language statements and a plurality of input parameters (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the Xpath data model)(col. 3, lines 15-21); and

c. a legacy database management system responsively coupled to said user terminal via a publicly accessible digital data communication network which honors said data processing service request by executing said ordered sequence of native command language statements and utilizing said plurality of input parameters and generating said corresponding data processing response (col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 22, Chau et al. discloses wherein said legacy database management system further comprises a mainframe computer (col. 111, lines 28-34).

As to claim 23, Chau et al. discloses wherein said user terminal further comprises an industry standard personal computer (Figure 1).

As to claim 24, Chau et al. discloses wherein said legacy database management system further comprises a repository for storage of said ordered sequence of statements of said native command language prior to execution (col. 4, lines 25-31 and Fig. 4, item 404) and (Abstract).

Response to Arguments

6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
July 2, 2005

C. Rones

CHARLES RONES
PRIMARY EXAMINER